

COURT OF APPEALS
DIVISION TWO
OF THE STATE OF WASHINGTON

FILED
COURT OF APPEALS
DIVISION II

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STATE OF WASHINGTON
BY Cn
DEPUTY

STATE OF WASHINGTON)

Respondent,)

v.)

Troy D. Schoenbein
(your name))

Appellant.)

No. 41803-7-11

STATEMENT OF ADDITIONAL
GROUND FOR REVIEW

I, Troy Schoenbein, have received and reviewed the opening brief prepared by my attorney. Summarized below are the additional grounds for review that are not addressed in that brief. I understand the Court will review this Statement of Additional Grounds for Review when my appeal is considered on the merits.

Additional Ground 1

I believe the prosecutor in my case committed misconduct,
1. the prosecutor continued to allow police reports & discoveries
to my attorney during the middle of my trial.
2. the prosecutors questions during jury selection and of witnesses
during trial repeatedly required my attorney to make objections and
they judge ruled in our favor regarding my attorney's objections.
I believe that the cumulative effect was to deprive me of a fair trial.

Additional Ground 2

The Prosecutors remarks during closing arguments involved a suggestion
that my attorney planned with witnesses for my defence that he
orchestrated false testimony from witnesses such as Matt Dodging,
also during closing arguments tried to play to the sympathy of the
jury because of Mr. Mathias's injuries.

please see attached statements,

If there are additional grounds, a brief summary is attached to this statement.

Date:

Sept. 27, 2011

Signature:

Troy Schoenbein

Form 23

CERTIFICATE OF SERVICE

I certify that I have mailed

1 copies of SAC

to Atty. Ellinger

& Pierce, Fennell & Pierce, P.A.

9/29/11 C

Date Signed

Sept 27, 2011

The judge reprimanded the prosecutor during closing arguments, but I think the prosecutor misconduct deprived me of a fair trial.

also I believe that I did not get a fair trial because the judge would not allow self defense jury instructions, even tho I denied hitting Mr. Matesa, he did testify under oath that I was the one who hit him, and the jury should have been given instructions on whether I acted on self defense of myself, and also Mr. Matesa testified that he was the initial aggressor.

also I believe I should have been given a new judge at sentencing, after judge brought up the fact that his own father had lost a eye when he was a young boy. I feel his personal feelings got in the way of me getting a fair sentence.

and also the issue regarding restitution, I was found Not guilty of assault in the 1st degree, and the restitution is for his eye injury, not for the bruise on his chest.

The prosecutor also brought up stuff regarding law suits about two car accidents that I have been in the last year and a half. and also bringing up wages I made from my business that she pulled up off the internet that were completely false.

Thank you.
Troy Schoenher